

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:) Case No.: 2011A-EMS-0014-DHS
) (EMS No. 3485)
)
City of Nogales Fire Department dba) NOTICE OF HEARING AND APPOINTMENT OF
Nogales Ambulance Service,) ADMINISTRATIVE LAW JUDGE
)
Applicant.)
)
)

PURSUANT TO an application filed on January 28, 2010, under the provisions of Arizona Administrative Code (A.A.C.) R9-25-905, the City of Nogales Fire Department dba Nogales Ambulance Service submitted a request to amend its Certificate of Necessity, No. 30. Pursuant to Arizona Revised Statutes (A.R.S.) § 36-2234(B),

YOU ARE HEREBY NOTIFIED that the Office of Administrative Hearings, on behalf of the Arizona Department of Health Services (Department), will conduct a hearing at 1400 West Washington, Suite 101, Phoenix, Arizona 85007 on November 19, 2010 at 8:00 a.m. to consider the following issues:

1. Whether the Applicant's proposed service area as set forth below is reasonable and in the best interests of the public, or if some other service area should be granted by the Director of the Department.
2. The Applicant has requested that the service limitation language on its Certificate of Necessity be removed. The limitation immediately follows response time requirements on the Certificate of Necessity, and reads as follows: "Authority limited to providing only ambulance service which originates and terminates within the above described service area." It is proposed that the Certificate of Necessity be amended as follows:

Current Response Time Language:

- a. Ten (10) minutes on ninety (90) percent of all ambulance calls.
- b. Fifteen (15) minutes on ninety-five (95) percent of all ambulance calls.
- c. Twenty (20) minutes on one hundred (100) percent of all ambulance calls.

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1 Authority limited to providing only ambulance service which originates and terminates within the
2 above described service area.

3 **Proposed Response Time Language:**

- 4 a. Ten (10) minutes on ninety (90) percent of all ambulance calls.
5 b. Fifteen (15) minutes on ninety-five (95) percent of all ambulance calls.
6 c. Twenty (20) minutes on one hundred (100) percent of all ambulance calls.

7 3. The Applicant has requested that its current Certificate of Necessity be amended in accordance
8 with A.R.S. § 36-2201(8)(g). Therefore, the following entry on the CON will be removed:
9 "Central Operations Station: Nogales, Arizona (777 North Grand Avenue)" and will be replaced
10 with the following proposed language: "Legal Address: 777 North Grand Avenue, Nogales,
11 Arizona."

12 4. The Applicant has requested that the following information be added to its current Certificate of
13 Necessity:

14 Type of Service: Immediate dispatch/response transports (911) and scheduled interfacility and
15 convalescent transports.

16 5. The Applicant has requested that the following information be added to its current Certificate of
17 Necessity:

18 Hours of Operation: 24 hours per day – 7 days per week.

19 6. The Applicant holds Renewal Certificate of Necessity, No. 30, valid through December 31, 2012.

20 7. The Applicant submitted an application for a change to its current Certificate of Necessity with the
21 appropriate filing fee.

22 8. No other changes to any of the terms under Certificate of Necessity No. 30 have been requested.

23 Details of the Applicant's request for the changes stated above are open to the public and are contained
24 in its application on file with the Clerk of the Department, Arizona Department of Health Services, 1740 West
25 Adams, Room 203, Phoenix, Arizona 85007.

YOU ARE ADVISED that the hearing will be conducted under the authority of, and in accordance

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1 with A.R.S. Title 36, Chapter 21.1 and Title 41, Chapter 6, Article 10, and A.A.C. Title 9, Chapter 25, Articles 9
2 and 11.

3 **YOU ARE FURTHER ADVISED** that failure to appear at the scheduled hearing may result in the
4 administrative law judge dismissing the matter or otherwise deciding the case against you.

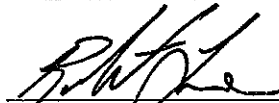
5 **THE OFFICE OF ADMINISTRATIVE HEARINGS** has appointed Thomas Shedden, Office of
6 Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona 85007, (602) 542-9826, as
7 administrative law judge, to conduct such hearings and issue such orders, pursuant to the Office of
8 Administrative Hearings and the procedural rules as the administrative law judge determines are necessary to
9 properly adjudicate the above captioned matter.

10 In accordance with A.R.S. § 41-1092.08, the administrative law judge shall submit to the Director of the
11 Arizona Department of Health Services, a written recommendation, including proposed findings of fact,
12 conclusions of the law and recommended decision regarding the disposition of this matter.

13 The original of all correspondence and pleadings to be filed in the matter should be directed to the
14 Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, AZ 85007, (602) 542-9826 with
15 copies to all other parties and to the agency at the address listed below.

16 Persons with a disability may request a reasonable accommodation, such as a sign language interpreter,
17 by contacting the Office of Administrative Hearings, 1400 West Washington, Suite 101, Phoenix, Arizona
18 85007, (602) 542-9826. Requests should be made as early as possible to allow time to arrange the
19 accommodation.

20 Dated this 15th day of July, 2010

21 

22 Robert Lane
23 Director's Designee
24
25

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REMSTS/COM 2 DATES

1 Copies of the foregoing sent by certified mail

On: July 19, 2010

2 To:

3 Hector Robles, Fire Chief
4 City of Nogales Fire Department dba
NOGALES AMBULANCE SERVICE
777 N. Grand Avenue
5 Nogales, AZ 85621

6 Copies of the foregoing sent by regular/interdepartmental mail

On: July 19, 2010

7 To:

8 Harry L. Eth, Health Program Manager
Certificate of Necessity and Rates Section
ADHS/Bureau of Emergency Medical Services
150 North 18th Avenue, Suite 540
9 Phoenix, AZ 85007-3248
(602) 364-3166/(602) 364-3567 (FAX)

10 Clerk of the Department
11 Office of Administrative Counsel and Rules
Arizona Department of Health Services
1740 West Adams, Suite 203
12 Phoenix, AZ 85007-3248
(602) 542-1020/(602) 364-1150 Fax

13 Kevin Ray, Chief Counsel
14 Ron Johnson, Assistant Attorney General
Office of the Attorney General
1275 West Washington
15 Phoenix, AZ 85007

16 Mike Foster, Fire Chief
17 RIO RICO FIRE DISTRICT
1194 Pendleton Drive
18 Rio Rico, AZ 85648

19 Kevin Keeley, Fire Chief
TUBAC FIRE DISTRICT AMBULANCE SERVICE
2227 E. Frontage Road
20 P.O. Box 2881
Tubac, AZ 85646-2881

21 Thomas Shedden
22 Administrative Law Judge
Office of Administrative Hearings
1400 West Washington, Suite 101
23 Phoenix, AZ 85007
(602) 542-9826/(602) 542-9827 Fax

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